

### REMARKS

Claims 1-15 stand rejected in this Office Action. In this Response, amendments are presented to claims 1, 7, and 10. Support for these amendments is found throughout the originally submitted specification and claims. Accordingly, no new matter has been presented, and claims 1-15 remain pending.

#### Claim Rejections - 35 USC § 112

Claim 7 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Claim 7 recites the limitation "the apparatus" in line 3. The Examiner asserts that there is insufficient antecedent basis for the limitation in the claim. The Applicant has amended claim 7 to correct the lack of antecedent basis. The Applicant respectfully requests the Examiner withdraw his rejection to claim 7 under 35 U.S.C. § 112.

#### Claim Rejections - 35 USC § 102

Claims 1-6 and 9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hayashi (US 6,910,138)(hereinafter Hayashi). The Applicant respectfully traverses.

Claim 1, as amended, currently recites:

A method of operation comprising:

- powering a hardware element of a device with a power supply of the device;
- operating the hardware element at a first power consumption level while AC is present at the power supply;
- monitoring for absence of AC to the power supply;
- generating a signal to indicate AC failure on detection of absence of AC to the power supply, the monitoring and generating occurring while operating the hardware element at the first power consumption level; and
- in response, throttling the hardware element to operate at a second power consumption level that is a reduced power consumption level than the first power consumption level.

Among other things, Hayashi does not teach the monitoring and generating occurring while operating the hardware element at the first power consumption level; or throttling the hardware element from operating at the first power consumption level to a second power consumption level that is a reduced power consumption level than the first power consumption level.

Rather, Hayashi teaches a personal computer capable of operation in two modes, a normal mode and a fuel cell mode. While the fuel cell mode necessitates the personal computer operate on lower power, Hayashi teaches each mode must operate independent of the other. More specifically, Hayashi discloses “[s]witching between the fuel cell assembly mode and the normal mode is done only when the notebook personal computer is off.” Hayashi, Col. 6, Ln. 36-38; Col. 7, Ln. 54-56. Reinforcing this teaching, Hayashi states that “connection of the fuel cell assembly to the notebook computer that is operating in normal mode is inhibited.” *Id.*, Col. 6, Ln. 41-43. It is, therefore, axiomatic that Hayashi fails to teach throttling a hardware element between a first power consumption level and a second power consumption level, as required by claim 1. Rather, under the teachings of Hayashi, a user must completely turn off the computer, switch power sources, and reboot the computer. Therefore, for at least this reason, claim 1 is patentable over Hayashi under 35 U.S.C. § 102(e).

Furthermore, the Applicant notes that Hayashi fails to teach the monitoring and generating occurring while operating the hardware element at the first power consumption level. As discussed *supra*, Hayashi teaches that a mode of operation, and consequently a power consumption level, is determined upon a “power turn on event.” *Id.*, Col. 4, Ln. 45-50. Once the mode is chosen and a power consumption level determined, no monitoring or signal generating is taught because, as stated earlier, throttling between the two modes while one mode is in operation is inhibited. Therefore, Hayashi additionally fails to teach the monitoring and generating as disclosed in claim 1. For these additional reasons claim 1 is patentable over Hayashi under 35 U.S.C. § 102(e).

Claims 2-6 and 9 depend either directly or indirectly from amended claim 1, thereby incorporating its limitations. Therefore, claims 2-6 and 9 are patentable by

virtue of at least their dependency on independent claim 1 and their rejections under 35 U.S.C. § 102(e) are thus obviated. The Applicant respectfully requests the Examiner withdraw his rejection of claims 1-6 and 9.

#### Claim Rejections under 35 USC § 103

Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi as applied to claim 1 above, and further in view of Lioux (US 6,274,949)(hereinafter Lioux).

Lioux fails to cure the above discussed deficiencies of Hayashi. Lioux discloses a device comprising a power supply and a battery backup unit. As taught in Lioux, when a power supply unit experiences an AC line failure, the battery backup unit temporarily provides DC power to the primary side of the power supply unit to enable the system to be safely shut down. Lioux, Col. 4, Ln. 15-18; Col. 6, Ln. 1-3. More specifically, the battery backup unit provides DC power so that “for a limited time power supply unit provides output voltages identical to those normally provided by the power supply unit.” Lioux, Col. 4, Ln. 15-18. Nowhere does Lioux disclose, teach, or even suggest throttling between a first and second power consumption level. Rather, one of ordinary skill in the art would understand the teachings of Lioux to disclose maintaining a constant power consumption level. Therefore, as stated above, Lioux fails to cure the deficiencies of Hayashi.

Dependent claims 7 and 8 depend directly or indirectly from amended claim 1. Accordingly, for at least the same reasons that amended claim 1 is allowable over Hayashi, as discussed above, claims 7 and 8 are patentable over Hayashi alone or in combination with Lioux.

Claims 10-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lioux in view of Hayashi.

Independent claim 10 currently recites:

A method of operation comprising:

monitoring for re-presence of AC to a power supply of a device after an earlier absence of AC to the power supply; generating a signal to indicate the presence of AC on detection of re-presence of AC to the power supply; and throttling a hardware element to operate at a first power consumption level from operating at a second power consumption level in response to the signal, the second power consumption level being a reduced power consumption level than the first power consumption level.

Neither Lioux, nor Hayashi teach, disclose, or even suggest, among other things, throttling a hardware element to operate at a first power consumption level from operating at a second power consumption level in response to the signal, the second power consumption level being a reduced power consumption level than the first power consumption level.

As stated above in reference to claim 1, Hayashi does not teach throttling between a first and second power consumption level. Rather, Hayashi discloses that one must turn off the computer to select a different power consumption mode, namely a normal mode or a fuel cell mode. Lioux, also fails to disclose throttling between a first power consumption mode and a second power consumption mode in response to the signal indicating the re-presence of AC.

As discussed above, Lioux discloses a battery backup unit which provides "DC power to the primary side of the power supply unit so that for a limited time the power supply unit provides output voltages identical to those normally provided by the power supply unit." Lioux, Col. 4, Ln. 15-20. Lioux does teach, however, that during the limited time the battery backup unit is functioning, the AC line is rechecked and if AC has returned, normal operation of the system resumes. *Id.*, Col. 6, Ln. 5-8. The Applicant notes, however, that during this limited time the voltage and consequently the power consumption level has remained constant, and therefore, has not been throttled between a first and second power consumption level as required by claim 10.

Additionally, the Applicant respectfully contends that the Examiners reference to the auxiliary power, in Lioux, to show throttling between a first and second power consumption level is misplaced. Lioux refers to the auxiliary power only to instances

where the notebook is powered off and "as long as the power supply unit is plugged into a mains wall socket and supplied with AC power." *Id.*, Col. 4, Ln. 45-50. No where does Lioux teach the auxiliary power level is throttled to a second power consumption level in response to a signal indicating a re-presence of AC to the power supply. Therefore, for at least these reasons, amended independent claim 10 is patentable over Lioux either alone or in combination with Hayashi.

Claims 11-15 depend either directly or indirectly from independent claim 10 thereby incorporating its limitations. Accordingly, for at least the same reasons as independent claim 10 is allowable over Lioux in view of Hayashi, claims 11-15 are patentable over Lioux alone or in view Hayashi.

### **Conclusion**

Applicants respectfully submit that the claims 1-15 are presented in allowable form. Accordingly, a Notice of Allowance is respectfully requested.

If the Examiner has any questions, he is invited to contact the undersigned at (503) 796-2408.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,  
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